

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dim Njaka,

Civil No. 07-CV-1435 (JNE/SRN)

Plaintiff,

ORDER

v.

**Deputy Lance Hellerud, in his
official and individual capacity,**

Defendant.

Dim Njaka, Box 244, Long Lake, Minnesota 55356, Pro Se

Mary Rice, Fafinski, Mark & Johnson, PA, 775 Prairie Center Dr., Suite 400, Eden Prairie, Minnesota 55344, for Defendant

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED

1. Plaintiff's Motion to Dismiss Without Prejudice (Doc. No. 191) is **DENIED**;
2. Defendant's Motion to Dismiss With Prejudice, and in the alternative, Renewed Amended Motion to Compel (Doc. No. 196), is **GRANTED**, in part, as to dismissal with prejudice, and **DENIED**, in part, as to costs and fees, and **DENIED AS MOOT** with respect to the alternative Renewed Amended Motion

- to Compel;
3. Plaintiff's Motion to Compel (Doc. No. 205) is **DENIED**; and
 4. The Complaint is **DISMISSED WITH PREJUDICE**.

Dated: 5-13, 2010

s/ Joan N. Ericksen
Judge Joan N. Ericksen
United States District Court Judge